IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2546 OF 2006

Khatiza Shaikh Gulab & Anr. ....Petitioners
V/s.
The State of Maharashtra & Ors. ....Respondents

Mr.Ashok Mishra for the Petitioners.
Mr.P.G. Savant, AGP for Respondent No.1.

CORAM : F.I. REBELLO &
R.M. SAVANT, JJ.
DATED : 23RD APRIL, 2007.

P.C. :

1. According to the Petitioners themselves though the land belongs to Respondent Nos.1 and 2, it has been given on lease to Respondent No.3, which is a public trust. The Reliefs sought for by the Petitioner is that Respondent No.3 should permit them to carry out their hereditary occupation, which is growing grass.

2. In our view, the Writ Petition would not be maintainable. The Petitioners are claiming hereditary rights against Respondent No.3 which is not State within the meaning of Article 12. It is open to the Petitioners to claim the same right by way of a civil suit. Once that be the position, it is not open for

us to exercise our extra-ordinary jurisdiction, as the Petitioners have alternate remedy available.

3. With the above observations, the Writ Petition is accordingly disposed of.

(R.M. SAVANT, J.) (F.I. REBELLO, J.)